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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,075	01/06/2000	MAKOTO SATO	0670-221	4639

7590 07/14/2003

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 07/14/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/462,075

Applicant(s)

SATO, MAKOTO

Examiner

Aristotelis M Psitos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 25 April 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Continued Prosecution Application

1. The request filed on 6/4/03 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/462075 is acceptable and a CPA has been established. An action on the CPA follows.

The amendment of 4/25/03 has been entered.

Drawings

The examiner accepts the amendments to the drawings. New drawings are now required.

2. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 102

3. Claims 1, 4, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by either Min-Jae or Maeda et al.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With respect to Min-Jae – applicant's attention is drawn to col. 14 line 35 to col. 22 line 15. As far as the examiner can ascertain the system so disclosed permits the ability to dub/re-record onto a target recording medium information. The ability of the tuner and display are depicted in the figures as well as disclosed. The system permits the user to enter title information, and hence the examiner concludes that all 3 keys are present. The re-recording occurs as the final stage of the dubbing.

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With respect to Maeda et al – the system so disclosed permits the dubbing of information from a source onto a recording medium. Furthermore, the ability of entering title information is provided for; see the disclosure at col. 2 lines 55 plus. For the operation of the character recording, see the operation of the character data transfer process starting at col. 19 line 17 for instance.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1,4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Hisamatsu et al or Scheffler either further considered with Official notice/Jp 09-344748.

With respect to claim 1, Hisamatsu et al discloses a system that can dub/re-record information from a radio broadcast – see col 1 lines 24-28. Furthermore, the title information associated therewith is displayed accordingly.

The system permits the user to capture what he wants to record, target a particular area onto Another recording medium and record accordingly.

There is no clear description of a secondary ability of inputting title information, since the Title information from each selected file/unit is provided for.

As is known to those in the word processing arts – those using either word perfect, or word,

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Files can be dubbed from sources, and by use of the "save as" function renamed.

Alternatively, the description of the JP 9-344748 document noted above in col. 2 of US 6188662 Teaches the ability of having a technique of recording title information during a dubbing operation.

It would have been obvious to modify the base system of Hisamatsu et al with the above teaching From either the "save as" technique or the teaching form the above noted JP document, motivation is To permit the user to rename the final product.

4. Claims 1,4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Young et al or Yuen et al each further considered with the above noted Official notice on JP 09-344748..

With respect to claim 1 and Young et al, applicant's attention is drawn to figures 20-22 and their respective disclosures.

As depicted in figure 22a, a tuner – element 202 is provided and a display – monitor 210 for displaying text is also depicted.

The ability of storing in a "buffer" region text/title information is found in the discussion of element 232. Such is stored when the program guide/schedule memory is appropriately set and hence the examiner interprets the setting of the guide/schedule by the keys depicted in figure 21 as the first, second and third keys recited.

Additionally the ability of selecting a "target unit" is performed when the system records the selected information onto the recording medium, which is what the examiner interprets as the target unit.

Finally, the third key and its function is interpreted as the operation of the record it key (148) and its ability

Applicant's attention is further drawn to figure 11 and its description as well as to col. 8 line 14 plus, column 12 line 31 plus.

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In short the system provided by Young et al provides a user to select incoming information predicated upon "title" (text) and provide for a temporary storing of such in his schedule memory, a review of such, and final recording upon the recording medium appropriately.

Although the Young et al system only uses a single controller, CPU 228, the ability of separating control functions into a plurality of controllers (the ability of such is to permit dedicated processors and coprocessors) is considered merely an obvious expedience in this environment and obvious to one of ordinary skill in the art if for no other reason than to reduce overall down time/mean time to failure and increase the trouble shooting ability to correct/replace for defective components when they fail.

With respect to Yuen et al, applicant's attention is drawn to figures 1, 3, 6, 16, 18, 19, 21-24.

Yuen et al also provides for a system wherein a tuner is used – see element 61 in figure 1, a display of information is permitted through the display elements 32e, while temporary storing text information – into a buffer region, is provided by the ram element 30.

Unlike Young et al, Yuen et al provides for two system controllers – elements 21 and 31.

Again, although the first, second and third keys are not clearly depicted, as noted the directory controller has the provision of entering information – see element 32a,d. The ability of hence selecting a target unit, the ability to record is considered established/present when the desired program is found and hence recorded onto the tape medium. Finally, the ability of calling the captured information in the buffer region is established/present when the information is conveyed from the ram onto the recording medium.

Claim 4 differentiates from claim 1 in that it only requires a first and second key, not a third key, (but does require a third key,) but does require a title inputting region. Since the title is indeed recoded onto the record medium, this element is inherently present in the above systems.

The examiner interprets claim 7 as the operation of either the system to Young et al or Yuen et al,

With respect to the ability of having a second key to input "title" information, as is known to those in the word processing arts – those using either word perfect, or word, files can be dubbed from sources, and by use of the "save as" function renamed.

Alternatively, the description of the JP 9-344748 document noted above in col. 2 of US 6188662 Teaches the ability of having a technique of recording title information during a dubbing operation.

It would have been obvious to modify the base system of either Young et al or Yuen et al with the above teaching from either the "save as" technique or the teaching from the above noted JP document, motivation is to permit the user to rename the final product

6. Claims 2,3,4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 4 above, and further in view of either JP 3-233670 or JP 9-146528.

The ability of "deleting" duplicate, unwanted characters in a text is taught by either of the noted secondary systems to JP 3-233670 or JP 9-146528.

It would have been obvious to modify the base system of the primary references to either Young et al or Yuen et al with the additional duplicate deletion ability as noted above in the secondary references, motivation is to eliminate any unnecessary text for display.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Scheffler is cited as a system for making custom albums and can be relied upon in place of the reference to Hisamatsu et al.

Murayama, Hickey are cited as illustrative of systems (a-v) having keyboard entry abilities for entering Title information.

Kilburn et al is also cited as illustrative of a dubbing system which also provides for a keyboard to enter Title information.

Any inquiries concerning missing papers/references, etc. must be directed to Group 2600 Customer Services at (703) 306-0377.

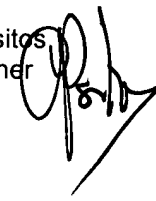
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Aristotelis M Psitos
Primary Examiner
Art Unit 2653



AMP
July 10, 2003